

APPLYING THE AMENDMENTS MADE BY NOTIFICATION NO. 4011C OF 1905
TO THE TOWN OF BÁNDRA, THÁNA DISTRICT.

*Notn. No. 8702, Revenue, dated 10th September 1906, B. G. G., 1906,
Pt. I, p. 1191.*

In exercise of the powers conferred by Section 14 of the Glanders and
Farcy Act, 1899 (XIII of 1899), the Governor in
Council is pleased to direct that the amendments made
by Government Notification in the Revenue Depart-
ment, No. 4011C,* dated the 16th May 1905,
in the rules contained in Government Notification
in the Revenue Department, No. 5542B,† dated
the 6th August 1901, shall apply also to the local area
of Bandora (Bándra) in the Thána District.

* Published at page 595
of the *Bombay Government
Gazette* of 18th May 1905,
Part I.

† Published at pages 1415
to 1417 of the *Bombay
Government Gazette* of
8th August 1901, Part I.

RULES AND ORDERS UNDER ACT III OF 1900. PRISONERS.

JAILS TO WHICH BRITISH COURTS EXERCISING JURISDICTION IN CERTAIN
TERRITORIES BEYOND THE LIMITS OF BRITISH INDIA MAY SEND WARRANTS
FOR THE EXECUTION OF CAPITAL SENTENCES.

[] *Notn. No. 4220, Political, dated 3rd July 1895, B. G. G., 1895,
Pt. I, p. 777.*

Whereas in exercise of the powers conferred by Section 2 of Act V
of 1893 (being an Act to legalise in certain cases the execution, within British
India, of capital sentences which have been passed by British Courts exercising
in or with respect to territory beyond the limits of British India jurisdiction
which the Governor General in Council has in such territory), and in order to
give effect to the provisions of the Notification by the Government of India in
the Political Department, No. 1431-I, dated the 27th April 1893⁽¹⁾, the Gov-
ernor General in Council has been pleased, by letter No. 3080-I, dated September
2nd, 1893, to authorise the Governor of Bombay in Council to direct to what
jails within the territories subject to the jurisdiction of the Governor of Bombay
in Council such Courts may send their warrants for the execution of capital
sentences under the provisions of the said Act and Notification, and to order
the Superintendents of all such jails respectively to execute all sentences of
death in respect whereof warrants may be issued to them respectively by any
such Court as aforesaid.

Now the Governor in Council is pleased, in pursuance of the said
authorisation,—

(a) to direct that the Jail specified in respect of each Court men-
tioned in the table hereinbelow contained shall be the Jail within the
territories subject to the jurisdiction of the Governor of Bombay in
Council to which such Court may send such warrants as aforesaid, and,

(b) to order that the Superintendent of every such Jail shall, on receipt
of such warrants from a Court hereby authorised to send such warrant
to such Jail, cause the execution to be carried out therein in the same
manner and subject to the same conditions in all respects as if it
were a warrant duly issued under the provisions of Section 381 of the
Code of Criminal Procedure, 1882 :

(1) See B. G. G., 1893, Pt. I, p. 412.

[a] This Notification, issued under Act V of 1893, is kept in force by Act X of 1897, Section 24.

Table.

From the Court of the Political Resident, Aden	...	To the Prison at Aden.
From the Court of the Political Agent, Akalkot	...	To the Prison at Bijapur.
From the Court of the Political Agent, Bhore	...	To the Central Prison at Yerwada.
From the Court of the Political Agent, Cutch, as Sessions Judge for the Cantonment of Bhuj.		To the Central Prison at Ahmedabad.
From the Court of the Political Agent Kaira	...	To the Central Prison at Ahmedabad.
From the Court of the Political Agent, Khairpur	...	To the Prison at Shikarpur.
From the Court of the Political Agent, Khándesh	...	To the Prison at Dhulia.
From the Court of the Political Agent, Mahi Kántha	...	To the Central Prison at Ahmedabad.
From the Court of the Political Superintendent, Pálanpur.		To the Central Prison at Ahmedabad.
From the Court of the Political Agent, Phaltan and Aundh.		To the Central Prison at Yerwada.
From the Court of the Political Agent, Sávanur	...	To the Prison at Dhárwár.
From the Court of the Agent to His Excellency the Governor at Surat.		To the Central Prison at Ahmedabad.
From the Court of the Political Agent, Surgána	...	To the Prison at Thána.

PRISONS FOR THE CONFINEMENT OF PERSONS SENTENCED TO PENAL SERVITUDE.

- [a] *Govt. of India, Home dept., Notn. No. 1406, dated 15th August 1873, para. 1, republished in Govt. Notn., Judicial Dept., dated 28th August 1873, B. G. G., 1873, Pt. I, p. 736.*

His Excellency the Governor in Council is pleased to republish the following Notifications issued by the Government of India, under date the 15th August 1873:—

“ Under the provisions of Section 21 of Act V of 1871, the Governor General in Council is pleased to declare the Yerrowda Central Jail in the Bombay Presidency to be a prison in which persons sentenced to be kept in penal servitude may be confined.

Govt. of India, Home dept., Notn. No. 626, dated 7th November 1893, republished in Govt. Notn. No. 7121, dated 14th November 1893, B. G. G., 1893, Pt. I, p. 1061.

Under the provisions of Section 21 of the Prisoners' Act, 1871, the Governor General in Council is pleased to declare the House of Correction at Bombay to be a prison in which persons sentenced to be kept in penal servitude may be confined.

APPOINTING THE YERROWDA CENTRAL JAIL TO BE A PLACE FOR SENDING PERSONS SENTENCED TO TRANSPORTATION IN THE BOMBAY PRESIDENCY.

- [b] *Govt. of India, Home dept., Notn. No. 1406, dated 15th August 1873, para. 2, republished in Govt. Notn., Judicial Dept., dated 28th August 1873, B. G. G., 1873, Pt. I, p. 736.*

Under the provisions of Section 319 of Act X of 1872 (the Code of Criminal Procedure), the Governor General in Council is pleased to appoint the Yerrowda Central Jail to be a place to which persons sentenced to transportation in the Bombay Presidency may be sent.

[a] This Notification issued under Act V of 1871, is kept in force by Act X of 1897, Section 24.

[b] Section 319 of Act X of 1872 was repealed by Act X of 1882, but was inserted in Section 2 of Act IX of 1882 which was repealed by Act III of 1900. Para. 2 of this Notification, therefore, issued under Act X of 1872, is kept in force by Act III of 1900 and Act X of 1897, Section 24.

PROHIBITING REMOVAL OF PRISONERS UNDER DEATH SENTENCE FROM JAIL.

• *Notn. No. 4646, Judicial, dated 12th September 1905, B. G. G. 1905, Pt. 1, p. 1206.*

In exercise of the power conferred by Section 42 of the Prisoners' Act, III of 1900, the Governor in Council is pleased to direct that no prisoner under sentence of death shall be removed, under Part IX of the said Act, from the jail in which he is confined without the special sanction of Government: provided that such prisoner may be removed from the jail without such sanction if his attendance is formally required by a High Court or a Court of Session at the taking of additional evidence under Section 428 of the Code of Criminal Procedure, 1898.

RULES FOR REGULATING THE ESCORT OF PRISONERS.

Notn. No. 6321, Judicial, dated 6th October 1902, B. G. G., 1902, Pt. 1, p. 1728.

In supersession of all previous rules issued on the subject, the Governor in Council is pleased, in exercise of the power conferred by sub-section (1) of Section 51 of the Prisoners' Act, 1900 (III of 1900), to make, under sub-section (2) of the same section to publish for general information, the following rules—

(a) for regulating the escort of prisoners (State prisoners excepted) to and from any Court, situated within the jurisdiction of the High Court, in which their presence is required, and for their custody during the period of such attendance,

(b) for regulating the amount to be allowed for the costs and charges of such escort, and

(c) for the guidance of officers in matters connected with the enforcement of Part IX of the Prisoners' Act, 1900 (III of 1900):

1. On receipt of an order issued under Sections 35, 37, 39 and 40 of the Act, the officer in charge of the prison shall make a requisition on the District Superintendent of Police or at the Presidency on the Commissioner of Police for an escort, and the District Superintendent or Commissioner, as the case may be, shall supply such escort in conformity with the ordinary rules of his department.

2. The officer in charge of such escort shall, in like manner, be guided by the rules of the Police Department in the performance of his duty and in the treatment of the prisoners under his charge.

3. All prisoners shall be taken to the Court before which their appearance is required by the most expeditious route. Prisoners under sentence or under trial for criminal offences shall ordinarily travel on foot; but civil prisoners, who are desirous of obtaining, and are willing to pay for the indulgence, may be provided with suitable means of conveyance. Prisoners and their escorts shall not travel by night except when absolutely necessary. When a railway is available all prisoners shall be conveyed by rail under charge of the police guard.

4. Civil prisoners shall ordinarily not be fettered or handcuffed.

Before any criminal prisoner is made over to the officer in charge of the escort, the officer in charge of the prison shall satisfy himself that the fetters of the prisoner or prisoners to be removed are in order and that each prisoner

is supplied with suitable clothing, and he shall further make over to the officer in charge of the guard copies of the warrant under which the person, whether a civil or criminal prisoner, is confined and of the orders of the Court under which the prisoner is removed together with a sum of money for their maintenance and road expense. Diet money shall be calculated at a rate not exceeding 4 annas per diem, according to the number of days which the escort will take in going to and returning from the Court.

5. The officer in charge of the guard shall give to the officer in charge of the prison a receipt for such prisoners as he may receive, with a statement of the clothing, &c., in each prisoner's possession, and a receipt for the amount of diet money or road expenses which has been advanced on their account. Advances required on account of the escort shall be made by the District Superintendent or Commissioner of Police at the Presidency, supplying it.

Should there be a prison or (in default of a prison) a lock-up at the place where the Court before which the prisoners have to appear is held, the officer in charge of the escort shall deliver the prisoners to the Jailor of such prison or officer in charge of such lock-up, and shall not be responsible for their custody while they are in such prison or lock-up, but shall only be responsible for their custody while escorting them thither from such prison or lock-up to the place where the Court is held.

7. Whenever a criminal prisoner is removed under the Act to a place other than that where he has been undergoing his sentence, he shall, when his attendance is no longer required, be taken to the nearest District or Central Prison, the officer in charge of which shall apply to the Inspector-General of Prisons for instructions as to his disposal. On the prisoner being received by the Jailor under this rule, the copy of the warrant of confinement shall be made over to him by the officer in charge of the escort, who shall then receive from the officer in charge of the prison a receipt for the prisoner and such clothing, &c., as he may have with him. The officer in charge of the prison shall also forward copy of such receipt by a post to the officer in charge of the prison from which the prisoner has been brought. Civil prisoners shall, on their attendance being dispensed with, be taken back to the prison from which they have been brought.

8. On the completion of the duty for which the escort was detailed, the District Superintendent or Commissioner supplying it, shall, if the presence of the prisoner was required in any civil matter, submit a bill to the Court from which the requisition proceeded, for the cost of the guard, as fixed by the scale in Schedule A, and for the actual expenditure incurred by them on account of carriage by land or water, if the journey is not performed entirely on foot, plus 10 per cent. for contingencies. A separate bill should also be forwarded by the District Superintendent or Commissioner of Police at the Presidency for diet money and road expenses of the prisoner or prisoners.

9. All sums received in payment of these bills shall at once be paid into the treasury of the District from which the escort started to the credit of Government, as a receipt either of the Police or Jail Department, according as the amount is paid on account of the escort or of the prisoners.

10. In estimating beforehand, under Section 50 the amount to be deposited by any party requiring the testimony of a prisoner in any civil matter, the Court should calculate the charges for escort parties according to the scale shown in Schedule A attached to these rules, and should take the average distance covered by escort parties travelling by road at from ten to fifteen miles per diem. The Court should also estimate for the whole time

likely to be occupied in going, waiting and returning. Where the journey is performed by rail, the cost of third class fares both ways for a whole compartment should be added. The fares by a boat or steamer must be estimated on such information as the Court may itself possess. In every case 4 annas per diem for each prisoner's diet money and 10 per cent. on the cost of the guard for the contingencies should be added. Any balance deficient between the amount estimated by the Court and the charge entered in the bill preferred by the District Superintendent or Commissioner of Police at the Presidency shall be recovered by the Court under Section 50 of the Act. The Court before whom any prisoner appears to give evidence should take his evidence without unnecessary delay.

11. The foregoing rules do not apply to State prisoners confined by order of Government, whose attendance in any Court can only be arranged for under the special orders of Government in each case.

Schedule A.

Number of Prisoners.	Number of Constables employed.	Cost per diem.
1 Prisoner ...	2 Constables ...	Rs. a. p. 0 12 0
1 Prisoner if the distance to be escorted is so great as to render halt for the night necessary <i>en route</i> to enable a sentry with relief being furnished at night.	1 Head Constable and 3 Constables.	1 12 0
2, 3 or 4 Prisoners ...	1 Head Constable and 3 Constables.	1 12 0
5 or 6 Prisoners ...	1 Head Constable and 4 Constables.	2 2 0
For every 2 prisoners above 6 ...	1 Additional Constable ...	0 6 0

DECLARING CERTAIN OFFICERS TO BE OFFICERS IN CHARGE OF JAIL.

Notn. No. 6322, Judicial, dated 6th October 1902, B. G. G., 1902, Pt. I, p. 1729.

Under Section 52 of the Prisoners' Act, 1900 (III of 1900), His Excellency the Governor in Council is pleased to declare, in supersession of Government Notification No. 1809, dated the 18th May 1870, that in the case of prisons administered under the Prisons' Act, 1894 (IX of 1894), the Superintendents of such prisons, and in the case of Civil Jails administered under the Bombay Act II of 1874 as amended by subsequent enactments, the Nazirs of the District Courts shall be deemed to be officers in charge of prisons for the purposes of Part IX of the Prisoners' Act, 1900.

Cantonment of Bhuj by Notification No. 3472 of this date, and with the previous sanction of the Governor General in Council, the Governor in Council is pleased to declare the said Act to be operative in the said Cantonment, exclusive of the Sadar Bazar and the land occupied by the Travellers' Bungalow.

DECLARING THE ACT TO BE OPERATIVE IN THE CANTONMENT OF DEESA.

*Notn. No. 3279, Political, dated 19th May 1904, B. G. G., 1904,
Pt. I, p. 632.*

In exercise of the powers conferred by Section 3 of the Cantonments (House-Accommodation) Act, 1902 (II of 1902), as applied to the Cantonment of Deesa by Notification No. 3278 of this date, and with the previous sanction of the Governor General in Council, the Governor in Council is pleased to declare the said Act to be operative throughout the said Cantonment.

DECLARING THE ACT TO BE OPERATIVE IN THE CANTONMENT OF HYDERABAD (SIND), IN SO MUCH ONLY AS COMPRISES THE BUNGALOWS NOS. 1 TO 41 (BOTH INCLUSIVE).

*Notn. No. 1249, General, dated 8th March 1904, B. G. G., 1904,
Pt. I, p. 307.*

In exercise of the power conferred by Section 3, sub-section (1), of the Cantonments (House-Accommodation) Act, 1902 (II of 1902), and with the previous sanction of the Governor General in Council, the Governor of Bombay in Council is pleased to declare the said Act to be operative in so much of the Cantonment of Hyderabad (Sind) as comprises the following bungalows and premises appurtenant thereto, namely :—

Bungalows Nos. 1 to 41 (both inclusive).

DECLARING THE ACT TO BE OPERATIVE IN THE CANTONMENT OF JACOBABAD (IN THAT PART OF THE CANTONMENT CONTAINED WITHIN THE BOUNDARIES SHOWN IN THE NOTIFICATION).

*Notn. No. 1247, General, dated 8th March 1904, B. G. G., 1904,
Pt. I, p. 307.*

In exercise of the power conferred by Section 3, sub-section (1), of the Cantonments (House-Accommodation) Act, 1902 (II of 1902), and with the previous sanction of the Governor General in Council, the Governor of Bombay in Council is pleased to declare the said Act to be operative in that part of the Cantonment of Jacobabad contained within the following boundaries, namely :—

On the North.—Mubarakpur Road.

„ *East.*—Sadar Nala Road.

„ *South.*—Cantonment Boundary Limit.

„ *West.*—Cantonment Boundary Limit.

ORDER UNDER ACT VIII OF 1901.

MINES.

EXEMPTING FROM THE OPERATION OF THE ACT KANKAR, STONE AND LATERITE QUARRIES THROUGHOUT THE PROVINCE OF BOMBAY.

G. of I., Notn. No. 1562—45—5, dated 12th June 1901, republished by Govt. Notn. No. 4231, dated 19th idem, B. G. G., 1901, Pt. I, p. 1072.

In exercise of the powers conferred by Section 29 of the Indian Mines Act, 1901 (VIII of 1901), the Governor General in Council is pleased to exempt from the operation of the said Act all kankar, stone and laterite quarries being "mines" within the definition contained in Section 3, clause (d), throughout the Province of Bombay.

RULES AND ORDERS UNDER ACT II OF 1902.

CANTONMENTS HOUSE-ACCOMMODATION.

DECLARING THE ACT TO BE OPERATIVE IN THE CANTONMENT OF BELGAUM, EXCEPTING "THE FORT."

Notn. No. 6869, General, dated 10th December 1902, B. G. G., 1902, Pt. I, p. 2044.

In exercise of the powers conferred by Section 8 of the Cantonments (House-Accommodation) Act, 1902 (II of 1902), and with the previous sanction of the Governor General in Council, His Excellency the Governor in Council is pleased to declare the said Act to be operative in the Cantonment of Belgaum, excepting that part of the Cantonment known as "the Fort" which is demarcated by Cantonment (Fort) Pillars 1 to 19.

DECLARING THE ACT TO BE OPERATIVE IN THE CANTONMENT OF AHMEDNAGAR.

Notn. No. 5663, General, dated 28th October 1903, B. G. G., 1903, Pt. I, p. 1367.

In exercise of the powers conferred by Section 3, sub-section (1), of the Cantonments (House-Accommodation) Act, 1902 (II of 1902), and with the previous sanction of the Governor General in Council, the Governor of Bombay in Council is pleased to declare the said Act to be operative throughout the Cantonment of Ahmednagar.

DECLARING THE ACT TO BE OPERATIVE IN THE CANTONMENT OF BRUJ EXCLUSIVE OF THE SADAR BAZAR AND THE LAND OCCUPIED BY THE TRAVELLERS' BUNGALOW.

Notn. No. 3473, Political, dated 19th May 1903, B. G. G., 1903, Pt. I, p. 664.

In exercise of the powers conferred by Section 3 of the Cantonments (House-Accommodation) Act, 1902 (II of 1902), as applied to the